

Amendments to the Drawings:

The attached two sheets of drawings includes changes to FIGs. 1 and 2. These sheets replace the original sheets including FIGs. 1 and 2.

Attachment: two Replacement Sheets

REMARKS

Claims 1-15, 17-20 and 22-28 are pending in the present application. Claims 1-28 were amended in this response. Claims 16 and 21 were canceled, without prejudice. No new matter has been introduced as a result of the amendments.

The drawings were objected to because FIGs. 1 and 2 were not labeled as prior art. In light of the present amendments to the drawings, Applicants respectfully submit the objection has been addressed. Accordingly, Applicants respectfully submit the objection be withdrawn.

Claims 1-4, 12, 13, 15-23 and 25-27 were rejected under 35 U.S.C. §102(e) as being anticipated by Mannering et al. (US Patent 6,137, 839). Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over Mannering et al. (US Patent 6,137, 839) in view of *Cooper et al.* (US Patent 6,181,710). Claims 6-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mannering et al. (US Patent 6,137, 839) in view of *Bossemeyer et al.* (US Patent 6,285,671). Claims 9-11, 14, 24 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Mannering et al. (US Patent 6,137, 839) in view of *Avamudan et al.* (US Patent 6,301,609). Applicants respectfully traverse these rejections.

Specifically, the cited art, alone or in combination, fails to teach “exchanging the signaling packets of the subscriber of the packet-switching communications network between subscribers and the network element using a physical interface of one of the packet control unit and the message router system of the network element; and transmitting the user data using the network element when there is a connection between the subscriber and a second subscriber “ as recited in claim 1 and similarly recited in claim 25.

Mannering discloses a DSL modem telecommunications system (FIGs. 3a, 3c) where each teleconferencing end has modem 100 communicating at 384+16 Kbps (MDSL-C, MDSL-R) with a modem in a central office 220. Each central office modem transmits data between a concentrator and packetizer 360, and the packetizer converts to the 16 Kbps (MDSL-R) signaling channel into ISDN like signaling messages and applies the 384 Kbps (MDSL-C) stream to the T1/T3 service across the public switched telephone network. The central office 220 for the receiving party inverts these operations to feed the receiving modem 100. *Mannering* does not teach exchanging the signaling packets of the subscriber of the packet-switching communications network between subscribers and the network element using a physical

interface of one of the packet control unit and the message router system of the network element. In the modem/central office installation of Mannering, modem 100 includes a voice-band and DSL band data path to a single subscriber line (twisted-pair) 140, which connects to a telephone company central office. A voice-band analog front end (VB AFE) 110 transmits and receives at frequencies in the voice-band (30 Hz to 3.3 KHz), whereas the digital subscriber line analog front end (DSL AFE) 120 transmits and receives at frequencies above the voice-band (above 4 KHz). A Splitter 130 connects to the subscriber line 140 and separates the incoming signals into its voice-band and above-voice-band components. POTS (plain old telephone service) occurs in the voice-band and a telephone may be connected to the subscriber line directly or through the splitter 130 (col. 6, lines 36-44). The MDSL concentrator/packetized 360 merely converts the MDSL-C and MDSL-R signals for transmission as discussed above – Mannering does not teach a packet control unit or message router system being configured in the network element.

Cooper, Bossemeyer, and Avamudan are silent regarding these features as well. In light of the above, Applicants respectfully submit that claims 1-15, 17-20 and 22-28 are both novel and non-obvious over the art of record. Applicants respectfully request that a timely Notice of Allowance be issued in this case. If any additional fees are due in connection with this application as a whole, the Examiner is authorized to deduct such fees from deposit account no. 02-1818. If such a deduction is made, please indicate the attorney docket no. (0112740-208) on the account statement.

Respectfully submitted,

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